

REMARKS

Claims 1-20 are pending in this application. By this Amendment, the specification and claims 1, 8-10 and 13-20 are amended to correct various typographical errors therein. Support for these amendments can be found in the specification and claims as originally filed and in the International Patent Application, PCT/JP00/05053 (which published as WO 01/09973 A1), of which the instant invention is the U.S. National Stage. Specifically, the specification and claims have been amended to correctly recite "a phosphazene derivative," in accordance with the disclosures of PCT/JP00/05053, rather than "a phosphagen derivative." See WO 01/09973 A1, Abstract. Thus, no new matter is added by these amendments.

In addition, claims 7, 11, 13 and 14 are amended to be in proper multiple dependent claim form. Support for the amendments to claims 11, 13 and 14 can be found in claims 11, 13 and 14 as originally filed. Thus, no new matter is added.

Still further, the Abstract is amended to comply with MPEP §608.01(b) and 37 C.F.R. §1.72. No new matter is added by these amendments.

Applicants respectfully submit that the specification and claims were amended by the Translation of the Annexes to the International Preliminary Examination Report, filed January 25, 2002. A copy of the Translation of the Annexes to the International Preliminary Examination Report is attached for the Examiner's convenience.

I. Priority

The Office Action acknowledges Applicants' claim for priority, but indicates that one of the priority documents, Japanese Patent Application No. 2000-128240, has not been received. Applicants respectfully submit that a proper claim for priority to JP-A-2000-128240 was made in International Patent Application PCT/JP00/05053, of which the instant application is the U.S. National Stage. It is respectfully requested that the

Examiner acknowledge receipt of the certified copy of JP-A-2000-128240 from the International Bureau. However, if a certified copy cannot be obtained from the International Bureau, Applicants will submit an additional certified copy of JP-A-2000-128240, in the interest of furthering prosecution.

II. Claims 7 and 11-14

The Office Action indicates that claims 7 and 11-14 are withdrawn as improper multiple dependent claims. Applicants respectfully submit that claim 7 was amended in the January 25, 2002 Translation of the Annexes to the International Preliminary Examination Report to depend solely from claim 1. Accordingly, Applicants submit that claim 7 is not multiply dependant. Applicants further respectfully submit that the amendments to claims 11, 13 and 14 place claims 11-14 into proper form for multiple dependent claims. Accordingly, Applicants respectfully request that claims 7 and 11-14 be rejoined and examined on the merits.

III. Restriction and Election of Species Requirement

In reply to the February 24, 2004 Restriction and Election of Species Requirement, Applicants respectfully submit that the Office Action does not set forth any basis in the written record for Restriction to one of Groups I (claims 15-18), II (claims 19-20), III (claims 1-6) and IV (claims 8-10), however, in the interest of compact prosecution, Applicants provisionally elect Group I, claims 15-18, with traverse. Applicants also make the following elections, with traverse.

Applicants elect LiBF₄ as the disclosed salt species, as required by paragraph V.(1).

Applicants further elect linear EO-type phosphazene derivatives of formula (1) in which X is the organic group (A) of formula (3), Y¹ to Y³ and Y⁵ to Y⁶ are all single bonds, R¹ to R³ and R⁵ to R⁶ are all ethoxy groups, and Z is oxygen as the phosphazene derivative, as required by paragraph V.(2).

Applicants still further elect γ -butyrolactone as the aprotic organic solvent, as required by paragraph V.(3).

Applicants respectfully submit that claims 1-20 are generic to and read on the elected species of salt species, phosphazene derivatives and aprotic organic solvents.

It is respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. It is also respectfully submitted that the subject matter of all disclosed species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

With respect to the Election of Species Requirement, Applicants further understand, however, that upon search, examination and allowance of the elected species, search and examination will continue as to the non-elected species within the scope of the generic claims.

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JMS/jms

Attachment:

Translation of the Annexes to the International Preliminary Examination Report, filed January 25, 2002

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